

ESTTA Tracking number: **ESTTA593338**

Filing date: **03/19/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Gurwitch Products, LLC
Granted to Date of previous extension	03/19/2014
Address	8 Greenway Plaza Suite 700 Houston, TX 77046 UNITED STATES

Attorney information	R. Scott Keller Warner Norcross & Judd LLP 111 Lyon St NW 900 Fifth Third Center Grand Rapids, MI 49503 UNITED STATES trademarks@wnj.com, skeller@wnj.com, beverly.visser@amway.com Phone: 616-752-2479
----------------------	---

Applicant Information

Application No	85947451	Publication date	11/19/2013
Opposition Filing Date	03/19/2014	Opposition Period Ends	03/19/2014
Applicant	LED Technologies, LLC 133 County Rd 17 Unit B2 Elizabeth, CO 80107 COLOMBIA		

Goods/Services Affected by Opposition

Class 010. First Use: 2013/03/01 First Use In Commerce: 2013/03/01
All goods and services in the class are opposed, namely: Phototherapeutic apparatus for medical purposes, namely, a LED (light-emitting diode) light source for medical and aesthetic skin treatments

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2539403	Application Date	04/21/2000
Registration Date	02/19/2002	Foreign Priority Date	NONE
Word Mark	RE VIVE		

Design Mark	RÉ VIVE
Description of Mark	The mark is presented without any claim as to special form.
Goods/Services	Class 003. First use: First Use: 1997/03/05 First Use In Commerce: 1997/03/05 Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels Class 005. First use: First Use: 1997/03/05 First Use In Commerce: 1997/03/05 Medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels

U.S. Registration No.	3787890	Application Date	03/06/2008
Registration Date	05/11/2010	Foreign Priority Date	NONE
Word Mark	RÃ# VIVE ACNE REPARATIF		
Design Mark	RÉ VIVE ACNE REPARATIF		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/08/30 First Use In Commerce: 2008/08/30 Non-medicated skin care preparations, namely, gels; non-medicated acne treatment preparations		

U.S. Registration No.	2875712	Application Date	04/14/2003
Registration Date	08/17/2004	Foreign Priority Date	NONE
Word Mark	RÃ# VIVE. GET THE GLOW.		

Design Mark	RÉ VIVE. GET THE GLOW.
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2003/03/00 First Use In Commerce: 2004/04/00 Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels

Attachments	76032093#TMSN.gif(bytes) 77415089#TMSN.jpeg(bytes) 78237618#TMSN.gif(bytes) revive light therapy final notice of opp.pdf(1511780 bytes) ReVive light therapy opp attachment.pdf(590415 bytes)
-------------	---


Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/rsk/
Name	R. Scott Keller
Date	03/19/2014

NOTICE OF OPPOSITION TO APPLICATION NO. 85947451

1. Gurwitch Products, L.L.C. (hereinafter “Opposer”) believes it will be damaged by the registration of Application Serial No. 85/947,451 to LED Technologies, LLC (hereinafter

“Applicant”) for the mark  as a trademark for “phototherapeutic apparatus for medical purposes, namely, a LED (light-emitting diode) light source for medical and aesthetic skin treatments” and hereby opposes the same upon the following grounds.

2. Opposer has been in the business of producing and selling high quality skincare products for over 17 years. Opposer’s products are available in over 300 high-end stores in over 20 countries.

3. Since 1997, Opposer and its predecessor have been engaged in the extensive manufacturing, advertising and sale of a line of skincare products under the mark RÉ VIVE, which Opposer typically uses in the presentation “Ré Vive.” Additionally, Opposer uses the marks RÉ VIVE ACNE REPARATIF for acne treatment preparations and RÉ VIVE. GET THE GLOW. for its skincare line. (All of these marks collectively referred to as “Opposer’s Marks”).


4. Opposer is currently the owner of record of United States Trademark Reg. Nos. 2539403, 3787890 and 2875712 for Opposer’s Marks for its line of skincare products. Copies of the TSDR status of these registrations are attached to this Notice.

5. United States Trademark Reg. Nos. 2539403, 3787890 and 2875712 are valid and subsisting and are prima facie evidence of Opposer’s exclusive right to use the RÉ VIVE mark in commerce in connection with skincare products.

6. United States Trademark Reg. Nos. 2539403 and 2875712 are incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065. Consequently, these registrations are conclusive evidence of the validity of the registered marks and of the registration of the marks, of Opposer’s ownership of the marks, and of Opposer’s exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.


7. Goods bearing one or more of Opposer’s Marks have been continuously offered to the public for over 17 years. Opposer also uses Opposer’s Mark on its website, www.reviveskincare.com. Opposer has also widely advertised its products under Opposer’s Marks throughout the United States. Based upon this long term use and advertising, Opposer’s Marks have become famous.


8. Through Opposer’s advertising and sale of products bearing Opposer’s Marks, the public has come to recognize those marks as signifying Opposer and its products. Opposer has gained extensive and valuable goodwill in connection with the sale of products under Opposer’s Marks.


9. Applicant is seeking to obtain registration on the Principal Register of the mark  , Application Serial No. 85/947,451, for use on or in connection with “phototherapeutic apparatus for medical purposes, namely, a LED (light-emitting diode) light source for medical and aesthetic skin treatments.” The Application was filed on May 31, 2013, claiming first use on March 1, 2013.


10. There is no issue as to priority. The date of the Application and Applicant’s alleged first use are subsequent by many years to Opposer’s first use of Opposer’s Marks and Opposer’s registrations listed in this Notice.


11. Applicant’s mark  is confusingly similar to Opposer’s Marks, and Applicant seeks to register this mark for goods related to skincare which are close enough to cause a likelihood of confusion.

12. The goods for which the Applicant seeks registration of the  trademark are likely to be sold or offered to, or used by, the same customers to whom Opposer offers and provide its goods under Opposer’s marks. The goods of Opposer and Applicant will travel in the same channels of trade.

13. The mark  applied for by Applicant for skincare products is a reproduction, copy and colorful imitation of Opposer’s Marks. The use by Applicant of its mark in association with skincare products, is likely to cause confusion, deception, and mistake as to the origin of Applicant’s goods and to confuse, mislead, and deceive members of the public into believing that Applicant’s goods originate from or are provided, sponsored, approved, or licensed by Opposer, or are in some way connected to Opposer. Any such confusion would have a direct impact on Opposer’s reputation and ability to market its products and services. Furthermore, any defect, objection or fault found with Applicant or Applicant’s goods marketed under its mark would negatively impact and seriously injure the reputation that Opposer has established for its goods under Opposer’s Marks.

14. Applicant’s adoption and use of its  mark has been with actual or constructive knowledge of Opposer’s prior use of and registrations of Opposer’s marks.

15. Applicant’s adoption and use of the  mark has been without Opposer’s consent or permission.

16. Opposer’s Marks are distinctive and famous and Applicant’s  mark will cause dilution of the distinctive quality of Opposer’s Marks.

17. If Applicant is granted the registration opposed in this Notice, it would obtain at least a *prima facie* exclusive right to use the  mark. This registration would damage and injure Opposer.

10203229-1

Generated on: This page was generated by TSDR on 2014-03-14 11:51:56 EDT

Mark: RE VIVE

RÉ VIVE

US Serial Number: 76032093
US Registration Number: 2539403
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Feb. 09, 2012
Publication Date: Nov. 27, 2001

Application Filing Date: Apr. 21, 2000
Registration Date: Feb. 19, 2002

Mark Information

Mark Literal Elements: RE VIVE
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Description of Mark: The mark is presented without any claim as to special form.
Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

Claimed Ownership of US Registrations: 2371250

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels

International Class(es): 003 - Primary Class U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 05, 1997 Use in Commerce: Mar. 05, 1997

For: Medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels

International Class(es): 005 - Primary Class U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 05, 1997 Use in Commerce: Mar. 05, 1997

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GURWITCH PRODUCTS, L.L.C.
Owner Address: 8 Greenway Plaza
Houston, TEXAS 77046

UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where No Place Where Organized Found
Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: R. Scott Keller
Attorney Primary Email: trademarks@wnj.com
Address:

Docket Number: 018716.13566
Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: R. Scott Keller
Warner Norcross & Judd LLP
111 Lyon Street NW
900 Fifth Third Center
Grand Rapids, MICHIGAN 49503
UNITED STATES

Phone: 616-752-2479

Fax: 616-222-2479

Correspondent e-mail: trademarks@wnj.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 09, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 09, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59136
Feb. 09, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	59136
Feb. 04, 2012	TEAS SECTION 8 & 9 RECEIVED	
Aug. 31, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 31, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 02, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 27, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 27, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 06, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 06, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 28, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59136
Apr. 13, 2007	CASE FILE IN TICRS	
Feb. 19, 2007	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 15	
Feb. 19, 2007	TEAS SECTION 8 & 15 RECEIVED	
Aug. 02, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 07, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 08, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 19, 2002	REGISTERED-PRINCIPAL REGISTER	
Nov. 27, 2001	PUBLISHED FOR OPPOSITION	
Nov. 07, 2001	NOTICE OF PUBLICATION	
Jul. 12, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 12, 2001	ASSIGNED TO EXAMINER	76509
Jul. 09, 2001	ASSIGNED TO EXAMINER	76509
Apr. 05, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 08, 2000	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Oct. 02, 2000	NON-FINAL ACTION MAILED	
Sep. 26, 2000	ASSIGNED TO EXAMINER	76522

Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted
Use:

Affidavit of Section 15 - Accepted
Incontestability:

Renewal Date: Feb. 19, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Feb. 09, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Bays-Brown Dermatologics, Inc.

Assignment 1 of 2

Conveyance: MERGER EFFECTIVE 12132005

Reel/Frame: 3320/0317

Pages: 4

Date Recorded: Jun. 01, 2006

Supporting Documents: assignment-tm-3320-0317.pdf

Name: BAYS-BROWN DERMATOLOGICS, INC.

Legal Entity Type: CORPORATION

Execution Date: Dec. 12, 2005

State or Country Where
Organized: KENTUCKY

Assignee

Name: BAYS BROWN LABORATORIES, INC.

Legal Entity Type: CORPORATION

State or Country Where
Organized: DELAWARE

Address: 614 WEST MAIN STREET, SUITE 1500
LOUISVILLE, KENTUCKY 40202

Correspondent

Correspondent Name: ROCHELLE D. ALPERT

Correspondent Address: ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO, CA 94105

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3802/0581

Pages: 21

Date Recorded: Jun. 25, 2008

Supporting Documents: assignment-tm-3802-0581.pdf

Name: BAYS BROWN LABORATORIES, INC.

Legal Entity Type: CORPORATION

Execution Date: Apr. 30, 2008

State or Country Where
Organized: No Place Where Organized Found

DBA, AKA, TA, Formerly: FORMERLY BAYS BROWN DERMATOLOGICS,
INC.

Assignee

Name: GURWITCH PRODUCTS, L.L.C.

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: No Place Where Organized Found

Address: 13259 NORTH PROMENADE BOULEVARD
STAFFORD, TEXAS 77477

Correspondent

Correspondent Name: ALTICOR INC.

Correspondent Address: 7575 FULTON STREET EAST
ADA, MI 49355

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91202929

Filing Date: Nov 30, 2011

Status: Terminated

Status Date: Jan 30, 2013

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: 7 Acres LLC

Correspondent Address: 7 ACRES LLC
5340 JOHNS VIEW STREET
ALPHARETTA GA , 30005
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
REVIVE	Abandoned - Failure to Respond Plaintiff(s)	<u>85271279</u>	

Name: Gurwitch Products, L.L.C.

Correspondent Address: SHERRY GUNDERSON SCHIPPER
ALTICOR INC
7575 FULTON STREET EAST
ADA MI , 49355
UNITED STATES

Correspondent e-mail: sherry.gunderson-schipper@alticor.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RE VIVE	Renewed	<u>76032093</u>	<u>2539403</u>
RÉ VIVE. GET THE GLOW.	Section 8 and 15 - Accepted and Acknowledged	<u>78237618</u>	<u>2875712</u>
RÉ VIVE ACNE REPARATIF	Registered	<u>77415089</u>	<u>3787890</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 12, 2011	Jan 21, 2012
3	PENDING, INSTITUTED	Dec 12, 2011	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	Jan 23, 2012	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 04, 2012	Jan 03, 2013
6	BOARD'S DECISION: DISMISSED	Jan 30, 2013	
7	TERMINATED	Jan 30, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91193892

Filing Date: Feb 24, 2010

Status: Terminated

Status Date: Aug 03, 2010

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: GREEK ISLAND LABS, LLC

Correspondent Address: SCOT L. CLAUS
MARISCAL, WEEKS, McINTYRE & FRIEDLANDER
2901 N. CENTRAL, SUITE 200
PHOENIX AZ , 85012-2705
UNITED STATES

Correspondent e-mail: scot.claus@mwmf.com , carol.thorne@mwmf.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BROW REVIVE	Abandoned - After Inter-Partes Decision	<u>76688686</u>	
ADONIA ORGANICS BROW REVIVE	Abandoned - After Inter-Partes Decision	<u>76688684</u>	

Plaintiff(s)

Name: Gurwitch Products, L.L.C.

Correspondent Address: LINDSAY E. COHEN
BRYAN CAVE LLP
ONE METROPOLITAN SQUARE, SUITE 3600
ST. LOUIS MO , 63102
UNITED STATES

Correspondent e-mail: droodman@bryancave.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
RE VIVE	Renewed	<u>76032093</u>	<u>2539403</u>
RÉ VIVE. GET THE GLOW.	Section 8 and 15 - Accepted and Acknowledged	<u>78237618</u>	<u>2875712</u>
RÉ VIVE ACNE REPARATIF	Registered	<u>77415089</u>	<u>3787890</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 24, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2010	Apr 05, 2010
3	PENDING, INSTITUTED	Feb 24, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Apr 05, 2010	
5	EXTENSION OF TIME GRANTED	Apr 05, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	May 05, 2010	
7	EXTENSION OF TIME GRANTED	May 05, 2010	
8	ANSWER	Jun 04, 2010	
9	WITHDRAWAL OF APPLICATION	Jul 06, 2010	
10	WITHDRAWAL OF APPLICATION	Jul 06, 2010	
11	BOARD'S DECISION: SUSTAINED	Aug 03, 2010	
12	TERMINATED	Aug 03, 2010	

Generated on: This page was generated by TSDR on 2014-03-14 11:52:20 EDT

Mark: RÉ VIVE ACNE REPARATIF

RÉ VIVE ACNE REPARATIF

US Serial Number: 77415089
US Registration Number: 3787890
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 11, 2010
Publication Date: Mar. 17, 2009
Application Filing Date: Mar. 06, 2008
Registration Date: May 11, 2010
Currently TEAS Plus: Yes
Notice of Allowance Date: Jun. 09, 2009

Mark Information

Mark Literal Elements: RÉ VIVE ACNE REPARATIF
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "ACNE"
Translation: The wording "RÉ VIVE" and "REPARATIF" has no meaning in a foreign language.

Related Properties Information

Claimed Ownership of US 2539403, 2875712
Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Non-medicated skin care preparations, namely, gels; non-medicated acne treatment preparations

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 30, 2008

Use in Commerce: Aug. 30, 2008

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GURWITCH PRODUCTS, L.L.C.
Owner Address: 8 Greenway Plaza
Suite 700
Houston, TEXAS 77046
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa A. Smith
Attorney Primary Email Address: karen_leet@alticor.com

Attorney Email No Authorized:

Correspondent

Correspondent Name/Address: LISA A. SMITH
ALTICOR INC.
7575 FULTON STREET EAST
ADA, MICHIGAN 49355
UNITED STATES

Phone: 6167874125

Fax: 6167874306

Correspondent e-mail: karen_leet@alticor.com

Correspondent e-mail No Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 31, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 31, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 11, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 07, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 06, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	77976
Mar. 30, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 23, 2010	STATEMENT OF USE PROCESSING COMPLETE	61813
Feb. 18, 2010	USE AMENDMENT FILED	61813
Mar. 22, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Feb. 18, 2010	TEAS STATEMENT OF USE RECEIVED	
Dec. 02, 2009	EXTENSION 1 GRANTED	98765
Dec. 02, 2009	EXTENSION 1 FILED	98765
Dec. 02, 2009	TEAS EXTENSION RECEIVED	
Jun. 09, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 29, 2009	ASSIGNED TO EXAMINER	76629
Mar. 17, 2009	PUBLISHED FOR OPPOSITION	
Feb. 25, 2009	NOTICE OF PUBLICATION	
Feb. 10, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Feb. 10, 2009	ASSIGNED TO LIE	77976
Jan. 30, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 27, 2009	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 27, 2009	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 27, 2009	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 27, 2009	EXAMINERS AMENDMENT -WRITTEN	82085
Jul. 28, 2008	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jul. 28, 2008	FINAL REFUSAL E-MAILED	
Jul. 28, 2008	FINAL REFUSAL WRITTEN	82085
Jul. 09, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 09, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 09, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 02, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 27, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 27, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 18, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Jun. 18, 2008	NON-FINAL ACTION E-MAILED	6325
Jun. 18, 2008	NON-FINAL ACTION WRITTEN	82085
Jun. 16, 2008	ASSIGNED TO EXAMINER	82085
Mar. 11, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 06, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: GURWITCH PRODUCTS, L.L.C.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3802/0581

Pages: 21

Date Recorded: Jun. 25, 2008

Supporting Documents: assignment-tm-3802-0581.pdf

Assignor

Name: BAYS BROWN LABORATORIES, INC.

Execution Date: Apr. 30, 2008

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

DBA, AKA, TA, Formerly: FORMERLY BAYS BROWN DERMATOLOGICS, INC.

Assignee

Name: GURWITCH PRODUCTS, L.L.C.

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Address: 13259 NORTH PROMENADE BOULEVARD
STAFFORD, TEXAS 77477

Correspondent

Correspondent Name: ALTICOR INC.

Correspondent Address: 7575 FULTON STREET EAST
ADA, MI 49355

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91202929

Filing Date: Nov 30, 2011

Status: Terminated

Status Date: Jan 30, 2013

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: 7 Acres LLC

Correspondent Address: 7 ACRES LLC
5340 JOHNS VIEW STREET
ALPHARETTA GA , 30005
UNITED STATES

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

REVIVE

Abandoned - Failure to Respond

85271279

Plaintiff(s)

Name: Gurwitch Products, L.L.C.

Correspondent Address: SHERRY GUNDERSON SCHIPPER
ALTICOR INC
7575 FULTON STREET EAST
ADA MI , 49355

UNITED STATES

Correspondent e-mail: sherry.gunderson-schipper@alticor.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RE VIVE	Renewed	<u>76032093</u>	<u>2539403</u>
RÉ VIVE. GET THE GLOW.	Section 8 and 15 - Accepted and Acknowledged	<u>78237618</u>	<u>2875712</u>
RÉ VIVE ACNE REPARATIF	Registered	<u>77415089</u>	<u>3787890</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 12, 2011	Jan 21, 2012
3	PENDING, INSTITUTED	Dec 12, 2011	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	Jan 23, 2012	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 04, 2012	Jan 03, 2013
6	BOARD'S DECISION: DISMISSED	Jan 30, 2013	
7	TERMINATED	Jan 30, 2013	

Type of Proceeding: OppositionProceeding Number: 91193892

Filing Date: Feb 24, 2010

Status: Terminated

Status Date: Aug 03, 2010

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: GREEK ISLAND LABS, LLC

Correspondent Address: SCOT L. CLAUS
MARISCAL, WEEKS, McINTYRE & FRIEDLANDER
2901 N. CENTRAL, SUITE 200
PHOENIX AZ , 85012-2705
UNITED STATES

Correspondent e-mail: scot.claus@mwmf.com , carol.thorne@mwmf.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BROW REVIVE	Abandoned - After Inter-Partes Decision	<u>76688686</u>	
ADONIA ORGANICS BROW REVIVE	Abandoned - After Inter-Partes Decision	<u>76688684</u>	

Plaintiff(s)

Name: Gurwitch Products, L.L.C.

Correspondent Address: LINDSAY E. COHEN
BRYAN CAVE LLP
ONE METROPOLITAN SQUARE, SUITE 3600
ST. LOUIS MO , 63102
UNITED STATES

Correspondent e-mail: droodman@bryancave.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RE VIVE	Renewed	<u>76032093</u>	<u>2539403</u>
RÉ VIVE. GET THE GLOW.	Section 8 and 15 - Accepted and Acknowledged	<u>78237618</u>	<u>2875712</u>
RÉ VIVE ACNE REPARATIF	Registered	<u>77415089</u>	<u>3787890</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 24, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2010	Apr 05, 2010
3	PENDING, INSTITUTED	Feb 24, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Apr 05, 2010	

5	EXTENSION OF TIME GRANTED	Apr 05, 2010
6	STIPULATION FOR AN EXTENSION OF TIME	May 05, 2010
7	EXTENSION OF TIME GRANTED	May 05, 2010
8	ANSWER	Jun 04, 2010
9	WITHDRAWAL OF APPLICATION	Jul 06, 2010
10	WITHDRAWAL OF APPLICATION	Jul 06, 2010
11	BOARD'S DECISION: SUSTAINED	Aug 03, 2010
12	TERMINATED	Aug 03, 2010

Generated on: This page was generated by TSDR on 2014-03-14 11:52:41 EDT

Mark: RÉ VIVE. GET THE GLOW.

RÉ VIVE. GET THE GLOW.

US Serial Number: 78237618
US Registration Number: 2875712
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Aug. 27, 2010
Publication Date: Jan. 20, 2004
Application Filing Date: Apr. 14, 2003
Registration Date: Aug. 17, 2004
Notice of Allowance Date: Apr. 13, 2004

Mark Information

Mark Literal Elements: RÉ VIVE. GET THE GLOW.
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Claimed Ownership of US 2371250, 2539403
Registrations:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Non-medicated skin products, namely, creams, lotions, gels, toners, cleaners and peels

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 2003

Use in Commerce: Apr. 2004

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: GURWITCH PRODUCTS, L.L.C.
Owner Address: 8 Greenway Plaza
Suite 700
Houston, TEXAS 77046
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: No Place Where Organized Found

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa A. Smith
Attorney Primary Email: karen_leet@alticor.com
Address:
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lisa A. Smith
Alticor Inc.
7575 Fulton Street East
Ada, MICHIGAN 49355
UNITED STATES

Phone: 6167874125

Fax: 6167874306

Correspondent e-mail: karen_leet@alticor.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 31, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 31, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 27, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Aug. 27, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Aug. 05, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jul. 02, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 27, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 27, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 06, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 06, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 02, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 07, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 17, 2004	REGISTERED-PRINCIPAL REGISTER	
Jun. 08, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 20, 2004	STATEMENT OF USE PROCESSING COMPLETE	
May 14, 2004	USE AMENDMENT FILED	
May 14, 2004	TEAS STATEMENT OF USE RECEIVED	
Apr. 13, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 20, 2004	PUBLISHED FOR OPPOSITION	
Dec. 31, 2003	NOTICE OF PUBLICATION	
Nov. 10, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 10, 2003	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 20, 2003	PAPER RECEIVED	
Sep. 17, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 17, 2003	ASSIGNED TO EXAMINER	76134

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 103

Date in Location: Aug. 27, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Bays-Brown Dermatologics, Inc.

Assignment 1 of 2

Conveyance: MERGER EFFECTIVE 12132005
Reel/Frame: 3320/0317 Pages: 4
Date Recorded: Jun. 01, 2006
Supporting Documents: assignment-tm-3320-0317.pdf

Assignor
Name: BAYS-BROWN DERMATOLOGICS, INC. Execution Date: Dec. 12, 2005
Legal Entity Type: CORPORATION State or Country Where Organized: KENTUCKY

Assignee
Name: BAYS BROWN LABORATORIES, INC.
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE
Address: 614 WEST MAIN STREET, SUITE 1500
LOUISVILLE, KENTUCKY 40202

Correspondent
Correspondent Name: ROCHELLE D. ALPERT
Correspondent Address: ONE MARKET, SPEAR STREET TOWER
SAN FRANCISCO, CA 94105

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: 3802/0581 Pages: 21
Date Recorded: Jun. 25, 2008
Supporting Documents: assignment-tm-3802-0581.pdf

Assignor
Name: BAYS BROWN LABORATORIES, INC. Execution Date: Apr. 30, 2008
Legal Entity Type: CORPORATION State or Country Where Organized: No Place Where Organized Found

DBA, AKA, TA, Formerly: FORMERLY BAYS BROWN DERMATOLOGICS, INC.

Assignee
Name: GURWITCH PRODUCTS, L.L.C.
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: No Place Where Organized Found
Address: 13259 NORTH PROMENADE BOULEVARD
STAFFORD, TEXAS 77477

Correspondent
Correspondent Name: ALTICOR INC.
Correspondent Address: 7575 FULTON STREET EAST
ADA, MI 49355

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91202929 Filing Date: Nov 30, 2011
Status: Terminated Status Date: Jan 30, 2013
Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: 7 Acres LLC
Correspondent Address: 7 ACRES LLC
5340 JOHNS VIEW STREET
ALPHARETTA GA , 30005
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
REVIVE	Abandoned - Failure to Respond	<u>85271279</u>	

Plaintiff(s)

Name: Gurwitch Products, L.L.C.

Correspondent Address: SHERRY GUNDERSON SCHIPPER
ALTICOR INC
7575 FULTON STREET EAST
ADA MI , 49355
UNITED STATES

Correspondent e-mail: sherry.gunderson-schipper@alticor.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RE VIVE	Renewed	<u>76032093</u>	<u>2539403</u>
RÉ VIVE. GET THE GLOW.	Section 8 and 15 - Accepted and Acknowledged	<u>78237618</u>	<u>2875712</u>
RÉ VIVE ACNE REPARATIF	Registered	<u>77415089</u>	<u>3787890</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 30, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 12, 2011	Jan 21, 2012
3	PENDING, INSTITUTED	Dec 12, 2011	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	Jan 23, 2012	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Dec 04, 2012	Jan 03, 2013
6	BOARD'S DECISION: DISMISSED	Jan 30, 2013	
7	TERMINATED	Jan 30, 2013	

Type of Proceeding: OppositionProceeding Number: 91193892

Filing Date: Feb 24, 2010

Status: Terminated

Status Date: Aug 03, 2010

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name: GREEK ISLAND LABS, LLC

Correspondent Address: SCOT L. CLAUS
MARISCAL, WEEKS, MCINTYRE & FRIEDLANDER
2901 N. CENTRAL, SUITE 200
PHOENIX AZ , 85012-2705
UNITED STATES

Correspondent e-mail: scot.claus@mwmf.com , carol.thorne@mwmf.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BROW REVIVE	Abandoned - After Inter-Partes Decision	<u>76688686</u>	
ADONIA ORGANICS BROW REVIVE	Abandoned - After Inter-Partes Decision	<u>76688684</u>	

Plaintiff(s)

Name: Gurwitch Products, L.L.C.

Correspondent Address: LINDSAY E. COHEN
BRYAN CAVE LLP
ONE METROPOLITAN SQUARE, SUITE 3600
ST. LOUIS MO , 63102
UNITED STATES

Correspondent e-mail: droodman@bryancave.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
RE VIVE	Renewed	<u>76032093</u>	<u>2539403</u>
RÉ VIVE. GET THE GLOW.	Section 8 and 15 - Accepted and Acknowledged	<u>78237618</u>	<u>2875712</u>
RÉ VIVE ACNE REPARATIF	Registered	<u>77415089</u>	<u>3787890</u>

Prosecution History

Entry Number	History Text	Date	Due Date
--------------	--------------	------	----------

1	FILED AND FEE	Feb 24, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 24, 2010	Apr 05, 2010
3	PENDING, INSTITUTED	Feb 24, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Apr 05, 2010	
5	EXTENSION OF TIME GRANTED	Apr 05, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	May 05, 2010	
7	EXTENSION OF TIME GRANTED	May 05, 2010	
8	ANSWER	Jun 04, 2010	
9	WITHDRAWAL OF APPLICATION	Jul 06, 2010	
10	WITHDRAWAL OF APPLICATION	Jul 06, 2010	
11	BOARD'S DECISION: SUSTAINED	Aug 03, 2010	
12	TERMINATED	Aug 03, 2010	